

RUSSELL J. FRACKMAN (SBN 49087)
rjf@msk.com
CHRISTINE LEPERA (*pro hac vice* motion forthcoming)
ctl@msk.com
CHRISTINA E. DJORDJEVICH (SBN 262721)
cyd@msk.com
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064-1683
Telephone: (310) 312-2000
Facsimile: (310) 312-3100

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL AUERBACH and PATRICK
CARNEY (collectively and
professionally known as "THE BLACK
KEYS"); THE BLACK KEYS
PARTNERSHIP d/b/a MCMOORE
MCLESST PUBLISHING; and BRIAN
BURTON p/k/a DANGER MOUSE
individually and d/b/a SWEET
SCIENCE,

Plaintiffs,

v.

PIZZA HUT, INC., a Delaware
corporation; 30TH CENTURY
MASTERS LLC, a Virginia limited
liability company; THE MARTIN
AGENCY, INC., a Virginia
corporation; THE INTERPUBLIC
GROUP OF COMPANIES, INC., a
Delaware corporation; and DOES 1 –
10, inclusive,

Defendants.

CASE NO.

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs Daniel Auerbach ("Auerbach") and Patrick Carney ("Carney")
(collectively and professionally known as "The Black Keys"), Plaintiff The Black
Keys Partnership d/b/a McMoore McLesst Publishing and Plaintiff Brian Burton

COMPLAINT FOR COPYRIGHT INFRINGEMENT

COPY

p/k/a Danger Mouse d/b/a Sweet Science ("Burton") (collectively, "Plaintiffs")
 aver as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action seeking to put an immediate stop to, and to obtain redress for, Defendants' blatant and purposeful infringement of the copyright in Plaintiffs' musical composition entitled "*Gold On The Ceiling*."

2. Plaintiffs are hugely successful musical artists and songwriters. Plaintiffs Auerbach and Carney comprise the Grammy Award-winning, critically acclaimed musical duo "The Black Keys," whose most recent album "*El Camino*" debuted at Number 2 on the Billboard 200 Chart, has been certified Gold and has sold more than 800,000 units. Plaintiff Burton, professionally known as "Danger Mouse," is also a lauded musical artist, songwriter and producer. Burton formed the enormously popular duo "Gnarls Barkley" and was named "Producer of the Year" at the Grammy Awards in 2011. "*Gold On The Ceiling*," which was co-written by the Plaintiffs, was released as the second single from the album "*El Camino*."

3. Recognizing Plaintiffs' popularity, talent and goodwill, and in a brazen and improper effort to capitalize on Plaintiffs' hard-earned success, Defendants have created and publicized (or caused to be created and publicized) a commercial advertisement for "Cheesy Bites Pizza" which prominently features significant portions of Plaintiffs' musical composition "*Gold On The Ceiling*" without authorization from Plaintiffs. Defendants' infringing commercial advertisement can be viewed at <http://www.youtube.com/watch?v=YkaGEgiWdNI>.

4. Defendants' conduct is causing, and unless immediately enjoined will continue to cause, enormous and irreparable harm to Plaintiffs. Defendants may not continue to exploit Plaintiffs' musical composition without authorization in

1 order to advertise products to the public. Defendants' conduct must immediately
2 be stopped and Plaintiffs must be compensated for Defendants' willful acts of
3 infringement.

4 **JURISDICTION AND VENUE**

5 5. This is a civil action seeking damages and injunctive relief for
6 copyright infringement under the Copyright Act of the United States, 17 U.S.C.
7 § 101, et seq.

8 6. This Court has subject matter jurisdiction over this copyright
9 infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10 7. This Court has personal jurisdiction over Defendants because, among
11 other things, Defendants are doing business in the State of California and in this
12 judicial district, the acts of infringement complained of herein occurred in the State
13 of California and in this judicial district, and Defendants have caused injury to
14 Plaintiffs and their intellectual property within the State of California and in this
15 judicial district.

16 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and
17 (c), and/or § 1400(a).

18 **THE PARTIES**

19 9. Plaintiff Auerbach is a musical artist and a songwriter, a co-author of
20 the musical composition entitled "*Gold On The Ceiling*," and a legal and/or
21 beneficial owner of a copyright interest in and to that musical composition.

22 10. Plaintiff Carney is a musical artist and a songwriter, a co-author of the
23 musical composition entitled "*Gold On The Ceiling*," and a legal and/or beneficial
24 owner of a copyright interest in and to that musical composition.

25 11. Plaintiff The Black Keys Partnership d/b/a McMoore McLesst
26 Publishing is a copyright owner and claimant in and to the musical composition
27 "*Gold On The Ceiling*."

1 12. Plaintiff Burton, individually and d/b/a Sweet Science, is a musical
2 artist, songwriter and producer, a co-author of the musical composition entitled
3 *"Gold On The Ceiling,"* and a legal and/or beneficial owner of a copyright interest
4 in and to that musical composition.

5 13. Defendant Pizza Hut, Inc. ("Pizza Hut"), is a corporation organized
6 and existing under the laws of the State of Delaware, with its principal place of
7 business in Plano, Texas. Pizza Hut does business throughout the United States,
8 including in this judicial district. Pizza Hut is engaged in the business of, among
9 other things, advertising, marketing and selling pizza and other food items.

10 14. Defendant 30th Century Masters LLC ("30th Century Masters") is a
11 limited liability company organized and existing under the laws of the State of
12 Virginia, with its principal place of business in Richmond, Virginia. 30th Century
13 Masters is engaged in the business of, among other things, composing musical
14 compositions in connection with commercial advertisements.

15 15. Defendant The Martin Agency, Inc. ("The Martin Agency"), is a
16 corporation organized and existing under the laws of the State of Virginia, with its
17 principal place of business in Richmond, Virginia. The Martin Agency is an
18 advertising agency.

19 16. Defendant The Interpublic Group of Companies, Inc. ("The
20 Interpublic Group of Companies"), is a corporation organized and existing under
21 the laws of the State of Delaware, with its principal place of business in New York,
22 New York. The Interpublic Group of Companies is engaged in the business of,
23 among other things, providing advertising and marketing services.

24 17. The true names and capacities, whether individual, corporate,
25 associate, or otherwise, of defendants sued herein as Does 1 through 10, are
26 unknown to Plaintiffs, who therefore sue said defendants by such fictitious names
27 (the "Doe Defendants"). Plaintiffs will seek leave of Court to amend this
28 complaint to state their true names and capacities when they have been ascertained.

1 Plaintiffs are informed and believe and on that basis aver that the Doe Defendants
2 are liable to Plaintiffs as a result of their participation in all or some of the acts
3 hereinafter set forth. Pizza Hut, 30th Century Masters, The Martin Agency, The
4 Interpublic Group of Companies and the Doe Defendants are referred to
5 collectively herein as "Defendants."

6 18. Plaintiffs are informed and believe and on that basis aver that at all
7 times mentioned in this complaint, each of the Defendants was the agent and/or
8 alter ego of each of the other Defendants and, in doing the things alleged in this
9 complaint, was acting within the course and scope of such agency.

10 GENERAL AVERMENTS

11 19. Plaintiffs are the co-authors of the music and lyrics to the original
12 musical composition "*Gold On The Ceiling*." Plaintiffs own the rights and title to
13 the copyright in the composition "*Gold On The Ceiling*" (the "Infringed
14 Composition") as authors and through their publishing entities McMoore McLesst
15 Publishing and Sweet Science.

16 20. Plaintiffs filed an application for copyright registration with the
17 United States Copyright Office for the musical composition "*Gold On The*
18 *Ceiling*" on December 9, 2011, and are awaiting the issuance of a registration. A
19 true and correct copy of Plaintiffs' application for copyright registration is annexed
20 hereto as Exhibit A.

21 21. "*Gold On The Ceiling*" was recorded by The Black Keys in 2011, and
22 was released as the second single from The Black Keys' seventh album entitled
23 "*El Camino*," which album was released to the public in December 2011 by
24 Nonesuch Records, a division of the Warner Music Group.

25 22. In or around May 2012, it came to Plaintiffs' attention that Defendants
26 and/or their agents reproduced, distributed, and/or publicly performed (and/or
27 caused to be reproduced, distributed, and/or publicly performed) a substantial
28 portion of the Infringed Composition without Plaintiffs' authorization in a

1 commercial advertisement for “Cheesy Bites Pizza,” which can be viewed at
2 <http://www.youtube.com/watch?v=YkaGEgjWdNI> (the “Infringing
3 Advertisement”).

4 23. Defendants do not have any license, authorization, permission or
5 consent to use the Infringed Composition.

6 24. In fact, on May 30, 2012, through The Black Keys’ exclusive
7 publishing administrator Wixen Music Publishing, Inc., located in California,
8 Plaintiffs provided written notice to Defendant Pizza Hut that the Infringing
9 Advertisement constitutes infringement of Plaintiffs’ rights and demanded that
10 Defendant Pizza Hut immediately cease and desist from any further use of the
11 Infringed Composition. Plaintiffs are entitled to injunctive relief and redress for
12 Defendants’ willful, intentional and purposeful use and exploitation of the
13 Infringed Composition for their own financial benefit with full knowledge that
14 such use constituted infringement of, and was in disregard of, Plaintiffs’ rights.

15
16 **COUNT I**

17 **COPYRIGHT INFRINGEMENT**

18 **(17 U.S.C. §§ 106 and 501)**

19 **(By Plaintiffs Against Defendants)**

20
21 25. Plaintiffs incorporate herein by this reference each and every
22 averment contained in paragraphs 1 through 24, inclusive.

23 26. Through their conduct averred herein, Defendants have infringed
24 Plaintiffs’ copyright in the Infringed Composition in violation of Sections 106 and
25 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

26 27. Defendants’ acts of infringement are willful, intentional and
27 purposeful, in disregard of and with indifference to Plaintiffs’ rights.

1 28. As a direct and proximate result of said infringement by Defendants,
2 Plaintiffs are entitled to damages in an amount to be proven at trial.

3 29. Plaintiffs are also entitled to Defendants' profits attributable to the
4 infringement, pursuant to 17 U.S.C. § 504(b), including an accounting of and a
5 constructive trust with respect to such profits.

6 30. Plaintiffs further are entitled to their attorneys' fees and full costs
7 pursuant to 17 U.S.C. § 505 and otherwise according to law.

8 31. As a direct and proximate result of the foregoing acts and conduct,
9 Plaintiffs have sustained and will continue to sustain substantial, immediate, and
10 irreparable injury, for which there is no adequate remedy at law. Plaintiffs are
11 informed and believe and on that basis aver that unless enjoined and restrained by
12 this Court, Defendants will continue to infringe Plaintiffs' rights in the Infringed
13 Composition. Plaintiffs are entitled to preliminary and permanent injunctive relief
14 to restrain and enjoin Defendants' continuing infringing conduct.

15
16 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of
17 them, jointly and severally, as follows:

18 1. For damages in such amount as may be found, or as otherwise
19 permitted by law.

20 2. For an accounting of, and the imposition of constructive trust with
21 respect to, Defendants' profits attributable to their infringements of Plaintiffs'
22 copyright in the Infringed Composition.

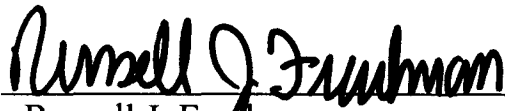
23 3. For a preliminary and permanent injunction prohibiting Defendants,
24 and their respective agents, servants, employees, officers, successors, licensees and
25 assigns, and all persons acting in concert or participation with each or any of them,
26 from continuing to infringe Plaintiffs' copyright in the Infringed Composition.

27 4. For prejudgment interest according to law.

28 5. For Plaintiffs' attorneys' fees, costs, and disbursements in this action.

1 6. For such other and further relief as the Court may deem just and
2 proper.

3 RUSSELL J. FRACKMAN
4 CHRISTINE LEPERA
5 (*pro hac vice* motion forthcoming)
6 CHRISTINA E. DJORDJEVICH
7 MITCHELL SILBERBERG & KNUPP LLP

8 By: 
9 Russell J. Frackman
10 Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Date: June 21, 2012

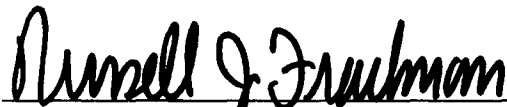
RUSSELL J. FRACKMAN

CHRISTINE LEPERA

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CHRISTINA E. DJORDJEVICH

MITCHELL SILBERBERG & KNUPP LLP

By: 

Russell J. Frackman

Attorneys for Plaintiffs

EXHIBIT A

-APPLICATION-

Title

Title of Work: El Camino
Contents Titles: Run Right Back
Dead And Gone
Money Maker
Mind Eraser
Nova Baby
Lonely Boy
Sister
Gold On The Ceiling
Stop Stop
Hell Of A Season
Little Black Submarines

Completion/Publication

Year of Completion: 2011
Date of 1st Publication: December 6, 2011 **Nation of 1st Publication:** United States

Author

▪ **Author:** Dan Auerbach
Author Created: music, lyrics
Citizen of: United States **Domiciled in:** United States

▪ **Author:** Patrick Carney
Author Created: music, lyrics
Citizen of: United States **Domiciled in:** United States

▪ **Author:** Brian Burton

Author Created: music, lyrics

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: McMoore McLesst Publishing

24025 Park Sorrento, Suite 130, Calabasas, CA, 91302, Yemen

Transfer Statement: By written agreement

Copyright Claimant: Sweet Science

PO Box 340020, Nashville, TN, 37203, United States

Transfer Statement: By written agreement

Certification _____

Name: Randall Wixen

Date: December 9, 2011

Registration #:

Service Request #: 1-696593381

Priority: Routine

Application Date: December 9, 2011 11:01:59 AM

Correspondent

Organization Name: Wixen Music Publishing, Inc.

Name: Jennifer Suomi

Email: jsuomi@wixenmusic.com

Address: 24025 Park Sorrento
Suite 130
Calabasas, CA 91302 United States

Mail Certificate

Wixen Music Publishing, Inc.
Jennifer Suomi
24025 Park Sorrento
Suite 130
Calabasas, CA 91302 United States

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV12 - 5385 ODW (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Russell J. Frackman (SBN 49087) jrf@musk.com
Christine Lepera (pro hac vice motion forthcoming)
ctl@musk.com
Christina E. Djordjevich (SBN 262721) cyd@musk.com
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Blvd.
Los Angeles, CA 90064-1683
Tel. (310) 312-2000; Fax (310) 312-3100

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL AUERBACH and PATRICK CARNEY
(collectively and professionally known as "THE
BLACK KEYS"); THE BLACK KEYS
PARTNERSHIP d/b/a MC MOORE MCLESST
PUBLISHING; and BRIAN BURTON p/k/a DANGER
MOUSE individually and d/b/a SWEET SCIENCE,
PLAINTIFF(S)

v.

PIZZA HUT, INC., a Delaware corporation; 30TH
CENTURY MASTERS LLC, a Virginia limited
liability company; THE MARTIN AGENCY, INC., a
Virginia corporation; THE INTERPUBLIC GROUP
OF COMPANIES, INC., a Delaware corporation; and
DOES 1 – 10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV12-05385-ODN(Tx)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Russell J. Frackman, whose address is MITCHELL SILBERBERG & KNUPP, 11377 West Olympic Blvd., Los Angeles, California 90064-1683. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JUN 21 2012

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

Daniel Auerbach;
Patrick Carney;
The Black Keys Partnership d/b/a McMoore McLesst Publishing;
Brian Burton p/k/a Danger Mouse individually and d/b/a Sweet Science

DEFENDANTS

Pizza Hut, Inc.;
30th Century Masters LLC;
The Martin Agency, Inc.;
The Interpublic Group of Companies, Inc.; and
Does 1 – 10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Russell J. Frackman
Christine Lepera
Christina A. Djordjevich
Mitchell Silberberg & Knupp LLP
11377 W. Olympic Blvd., Los Angeles, CA 90064-1683
Tel. (310) 312-2000; Fax (310) 312-3100

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT: \$**

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Copyright infringement under 17 U.S.C. §§ 106 and 501 based on Defendants' unauthorized use of Plaintiffs' composition.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 61 HIA(1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities – Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities – Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW 405(g)
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-1, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff Brian Burton resides in Los Angeles County	Plaintiff Daniel Auerbach resides in Tennessee Plaintiff Patrick Carney resides in Tennessee Plaintiff The Black Keys Partnership resides in Tennessee

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
All Defendants reside in Los Angeles County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Amel J. Brubaker

Date June 21, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -I is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))